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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,761	08/01/2001	Clare L. Hoke JR.		2758

7590

10/01/2002

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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,761

Applicant(s)

HOKE, CLARE L.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of the term "rigid connection" (claim 1, line 4) is unclear because it is apparent from claims 3 and 4 that an "articulated connection" is to be covered and this appears to contradict the normal meaning of rigid as precluding movement. The term "rigid" for the purpose of this action is interpreted as permitting articulation. The term "in like manner" (claim 13, line 3) does not particularly point out the scope of what would be considered a "like" connection. It is suggested that applicant explicitly indicate again the connection. The remaining claims are indefinite because they depend from an indefinite claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United

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States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Thorstens et al. (US 6179468).

Thorstens et al. (figures 1, 2, 11, 13) teaches joint structure consisting of a first object 36 containing within it a sleeve 20 defining a largely circular void, said void being axially breached so as to allow access to said largely circular void along the length of said axial breach, wherein a second object 14, 18, conforming so as to fit within said circular void, may be placed within said largely circular void, said second object 14, 18 being formed in such a manner as to extend from within said largely circular void, through said axial breach in said first object to be attached to a third object comprising the integral horizontally extending base 16. The second object 14, 18 slides within the first object and is therefore axially articulated. The connection is secure and is considered a rigid connection that permits sliding. In regard to claim 2, by integral formation of the second object and the third object comprising the horizontal base 16, the second and third objects are fused together.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorstens et al. (US 6179468) in view of Morton (US 3464882).

Thorstens et al. (figures 1, 2, 11, 13) teaches joint structure consisting of a first object 36 defining a channel 28 containing within it a sleeve 20 defining a largely circular void, said void being axially breached so as to allow access to said largely circular void along the length of said axial breach, wherein a second object 14, 18, conforming so as to fit within said circular void, may be placed within said largely circular void, said second object 14, 18 being formed in such a manner as to extend from within said largely circular void, through said axial breach in said first object to be attached to a third object comprising the integral horizontally extending base 16. The second object 14, 18 slides within the first object and is therefore axially articulated. The difference is that there is no disclosure of the sleeve 20 being adhesively secured in the channel 20. However, Morton (figure) teaches that it is common to adhesively secure 13 the anti-friction bearing 11 so as to more securely attach the bearing element to the supporting object. It would have been obvious to modify the joint of Thorstens et al. so as to use adhesive to secure the sleeve to the channel 20 in view of Morton teaching that it is common to adhesively secure 13 the anti-friction bearing 11 so as to more securely attach the bearing element to the supporting object.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorstens et al. (US 6179468) in view of Morton (US 3464882) as applied to claim 11 above, and further in view of Bullard (US 2654640).

Further modification of the joint of Thorstens et al. so that the third object may contain a channel as in the first said object, so that the second said sleeve or rod may be affixed within it in like manner to the first said object, and first said sleeve would have

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been obvious in view of Bullard (figures 1-3) in which the third object comprising the base 10 has a channel 11 therein to receive the rod 14 held with the sleeve 16 so as to better secure the device. This comprises a like manner to that of Thorstens et al. because the rod is held with a channel.

Conclusion

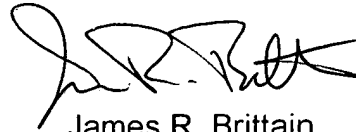
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Triplette (US 5421653), Peters (US 5200014), Everburg (US 3321253), Dutot (US 3649090), Heathe (US 4518205), Von Zelewsky (US 3095247), Askins (US 5329825), and Samec (DE 3743086) teach pertinent joint structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'J.R. Brittain', with a stylized flourish at the end.

James R. Brittain
Primary Examiner
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JRB
September 26, 2002